

ESTTA Tracking number: **ESTTA756691**

Filing date: **07/06/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

### Opposer Information

Name	Brooks Sports, Inc.
Granted to Date of previous extension	07/06/2016
Address	3400 Stone Way North, Suite 500 Seattle, WA 98103 UNITED STATES
Attorney information	Lorraine Linford Seed IP Law Group PLLC 701 Fifth Avenue, Suite 5400 Seattle, WA 98104-7064 UNITED STATES LorraineL@SeedIP.com, Litcal@SeedIP.com Phone:206-622-4900

### Applicant Information

Application No	85671474	Publication date	03/08/2016
Opposition Filing Date	07/06/2016	Opposition Period Ends	07/06/2016
Applicant	ALPHA BEAST, INC. 250 SPRING STREET, STE. 7 E332A ATLANTA, GA 30303 UNITED STATES		

### Goods/Services Affected by Opposition

Class 025. First Use: 0 First Use In Commerce: 0  
All goods and services in the class are opposed, namely: Apparel, namely, T-shirts, shirts, jackets, hats, and shoes

### Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
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### Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	2918892	Application Date	07/11/2003
Registration Date	01/18/2005	Foreign Priority Date	NONE
Word Mark	BEAST		
Design Mark			
Description of	NONE		

Mark	
Goods/Services	Class 025. First use: First Use: 1995/10/00 First Use In Commerce: 1995/10/00 Athletic footwear

Attachments	Notice of Opposition ALPHA BEAST.pdf(77994 bytes )
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### **Certificate of Service**

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Lorraine Linford/
Name	Lorraine Linford
Date	07/06/2016

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Brooks Sports, Inc.,	)	
	)	
Opposer,	)	Opposition No. _____
	)	
v.	)	Serial No. 85/671474
	)	
Alpha Beast, Inc.	)	
	)	
Applicant.	)	
_____	)	Attorney Docket No. 400025.80174

**NOTICE OF OPPOSITION**

Opposer Brooks Sports, Inc. (“Opposer”), which has a place of business at 3400 Stone Way North, Suite 500, Seattle, WA 98103, believes that it would be damaged by registration of the mark ALPHA BEAST and Design shown in United States Trademark Application Serial No. 85/671474 filed by Alpha Beast, Inc. (“Applicant”) and published for opposition on March 8, 2016. Opposer has requested and received extensions of time to oppose through July 6, 2016.

The grounds for this Opposition are as follows:

1. Opposer is a leading manufacturing company that designs and sells high-quality athletic shoes, apparel and accessories, including high-performance running shoes. Opposer has built a reputation for excellence and is well-known for its superior quality shoes and apparel.

2. Commencing at least as early as October, 1995, well prior to Applicant’s intent to use filing date of July 9, 2012, Opposer began using and continues to use, the mark BEAST in commerce in the United States in connection with athletic footwear.

3. Opposer is the owner of U.S. Trademark Registration No. 2918892 for the mark BEAST in International Class 25 for “athletic footwear,” registered January 18, 2005.

4. Since commencing use of its BEAST mark, Opposer has spent substantial resources, time and effort in advertising, promoting and popularizing its BEAST mark in the

United States. Opposer's BEAST mark symbolizes extensive goodwill and consumer recognition developed by Opposer through its use of the mark.

5. As a result of Opposer's use and promotion of its BEAST mark, the mark has become well-known in the United States and is recognized as identifying the high-quality products of Opposer. The BEAST mark, and the associated goodwill are valuable assets of Opposer.

6. Applicant has applied for registration of the mark ALPHA BEAST and design for "Apparel, namely, T-shirts, shirts, jackets, hats, and shoes" in International Class 25. Applicant's ALPHA BEAST and design mark is highly similar to Opposer's BEAST mark.

7. The goods described in Applicant's application are so closely related to the goods sold by Opposer that confusion is likely to result if Applicant uses the ALPHA BEAST and design mark on the applied for goods in International Class 25.

8. The mark ALPHA BEAST and design shown in Applicant's application is confusingly and deceptively similar to Opposer's BEAST mark, such that the trade and purchasing public will be confused by and deceived into believing that Applicant's products originate with Opposer, or are otherwise authorized by, sponsored by, licensed by, affiliated with, or associated with Opposer.

9. In view of the similarity of the parties' respective marks and their respective goods and services, Applicant's use and registration of its proposed mark in International Class 25 is likely to cause confusion, or to cause mistake or to deceive.

10. Upon information and belief, neither Applicant nor any predecessor-in-interest of Applicant made use of the term ALPHA BEAST and design as a trademark prior to the July 9, 2012 filing date of Applicant's application.

11. By reason of all of the foregoing, Opposer would be greatly damaged by the registration of the mark ALPHA BEAST and design in International Class 25 to Applicant.

WHEREFORE, Opposer prays that this Opposition be sustained and the application be denied and the mark refused registration as to International Class 25.

Correspondence Address

Please direct all communications to:

Lorraine Linford  
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701 Fifth Avenue, Suite 5400  
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DATED this 6th day of July, 2016.

Respectfully submitted,

SEED IP Law Group PLLC

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Attorneys for Opposer  
Brooks Sports, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of July, 2016, the foregoing **NOTICE OF OPPOSITION** was served upon Applicant's counsel by depositing the same with the U.S. Postal Service, first-class postage prepaid, and a courtesy copy by email addressed as follows:

Timothy E. Moses, Esq.  
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/Anne Calico/  
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